



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 04 2013

REPLY TO THE ATTENTION OF:

C-14J

Joseph Kellmeyer
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101

Re: Veolia ES Technical Solutions, LLC's Comprehensive Performance Test Plans for
Incinerators 2, 3, and 4

Dear Mr. Kellmeyer:

I am writing to you on behalf of our Air and Radiation Division. The Clean Air Act, 42 U.S.C. § 7401 *et seq.* and the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, 40 C.F.R. Part 63, Subpart EEE (HWC MACT) require Veolia ES Technical Solutions, LLC (Veolia) to perform a comprehensive performance test (CPT) on or before September 5, 2013. Although the United States Environmental Protection Agency and Veolia have been in communication about the plan for the upcoming CPT, including exchanging letters and emails and participating in numerous calls over the recent weeks, the CPT as currently planned will not document compliance with applicable HWC MACT emissions standards, and cannot be used to establish appropriate operating feed rate limits.

Veolia has yet to submit a CPT plan that comports with the test plan requirements under the HWC MACT at 40 C.F.R. § 63.1207(f) as explained in detail in EPA's July 26, 2013 correspondence. For example, Veolia's latest draft of the plan does not adequately lay out all required test conditions. Furthermore, Veolia has failed to submit all the information EPA requested in the August 9, 2013 Information Request, which EPA needs to determine if the materials selected for the burn are appropriate and well characterized for the purpose of the CPT.

Most significantly, even if Veolia does modify its CPT plan as recommended by EPA in our August 26, 2013 letter, based on the significant problems with the facility's feed stream analysis program identified in the August 24, 2012 Finding of Violation, the CPT would still not demonstrate that Veolia is in compliance with the HWC MACT feed rate limits and ultimately the HWC MACT emission standards on a day-to-day basis. Due to the significant flaws in Veolia's feed analysis program, it is impossible to determine what is fed into the facility's incinerators on a day-to-day basis, making it practically infeasible to correlate what Veolia burns during the CPT with the day-to-day feed stream. This in turn thwarts one of the primary purposes of the CPT, which is to demonstrate compliance with the HWC MACT emission standards. As EPA requested, Veolia should install and operate continuous emission monitoring

systems at the facility to allow it to demonstrate and ensure that the emission standards are met on a continuous basis as required by the HWC MACT.

If you have any questions regarding EPA's concerns or wish to discuss the CPT plan, please contact me at (312) 886-0703.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Cohen", with a stylized flourish at the end.

Eric Cohen
Branch Chief
Office of Regional Counsel

Enclosure

cc: Ray Pilapil, IEPA